




DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT: PROHIBITING OFFER OF TREATMENT ON THE CONDITION OF WAIVER OF RIGHTS UNDER HIPAA	POLICY NO. 500.16	EFFECTIVE DATE 04/14/03	PAGE 1 of 1
APPROVED BY:  Director	SUPERSEDES	ORIGINAL ISSUE DATE	DISTRIBUTION LEVEL(S) 1

PURPOSE

- 1.1 This document sets forth the policy of the Los Angeles County Department of Mental Health (DMH) that prohibits the offer of treatment on the condition that the client waive his/her rights under the Privacy Standards of the Health Insurance Portability and Accountability Act of 1996, 45 CFR Parts 160 and 164 (HIPAA).

POLICY

- 2.1 DMH workforce members will not require clients to waive any of their rights under HIPAA as a condition to providing the client with treatment.

PROCEDURE

- 3.1 The designated Privacy Officer, in cooperation with the facility site program manger and Human Resources Bureau must investigate reports or complaints that DMH workforce members offered treatment to an individual on the condition that the client waive his/her rights under HIPAA.
- 3.2 In the event that a workforce member is alleged to have violated this policy, he/she must not participate in the investigation.
- 3.3 The designated Privacy Officer, together with the Human Resources Department, must apply appropriate sanctions against any DMH workforce member found to have violated this policy, in accordance with the Policy on Sanctions.
- 3.4 Clients who believe they have been treated in a manner that violates this policy, must file a complaint in accordance with the Policy on Complaints and Grievances.

AUTHORITY

HIPAA, 45 CFR Section 164.530(h)